



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL*affirmed by
WW-1486*Honorable F. G. Garza
County Attorney
Brooks County
Falfurrias, Texas

Dear Sir:

Opinion No. 0-1576

Re: Can the Commissioners' Court appropriate money to pay the light bill that would be incurred by maintaining and upkeeping two electric traffic lights at two intersections of two state highways intersecting right through the heart of Falfurrias?

Your request for an opinion upon the above stated question has been received and carefully considered by this department.

Your letter reads, in part, as follows:

"By the way of an explanation of the situation, I will say that our town is not incorporated and therefore the county pays for the upkeep of the streets and other miscellaneous matters, and since the traffic is somewhat heavy and congested at times at the particular intersections above mentioned, the State Highway Department has agreed to furnish the traffic lights provided that the county will pay for the light bill."

We quote from Texas Jurisprudence, Volume 11, pages 563, 564, 565, and 566, as follows:

"Counties, being component parts of the state, have no powers or duties except those which are clearly set forth and defined in the Consitution and statutes. The statutes have clearly

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defined the powers, prescribed the duties , and imposed the liabilities of the commissioners' courts, the medium through which the different counties act, and from those statutes must come all the authority vested in the counties.

"The grants of powers to such governmental agencies as counties, townships and school districts are generally more strictly construed than are those to incorporated municipalities. The commissioners' court is not vested with any general police power.
. . .

"Commissioners' courts are courts of limited jurisdiction, in that their authority extends only to matters pertaining to the general welfare of their respective counties and that their powers are only those expressly or impliedly conferred upon them by law, - that is, by the constitution and statutes of the state."

The exclusive jurisdiction over State highways is placed in the State Highway Commission by Article 6673, Revised Civil Statutes of Texas, which reads in part as follows:

"Article 6673. Control of Highways.

"The commission is authorized to take over and maintain various State highways in Texas, and the counties through which said highways pass shall be free from any cost, expense or supervision of such highways." * * *

After a careful and exhaustive study of your question, we have been unable to find any authority, expressed or implied, which would authorize the County Commissioners of Brooks County, Texas, to appropriate money to pay the light bill that would be incurred by maintain-

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ing and upkeeping two electric traffic lights at two intersections of two State highways intersecting in the heart of Palfurrias.

Therefore, you are respectfully advised that it is the opinion of this department that the County Commissioners' Court of Brooks County, Texas, does not have the authority, expressed or implied, to expend the county funds for the purpose about which you inquire.

Trusting that the foregoing satisfactorily answers your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *D. Burle Daviss*

D. Burle Daviss
Assistant

DBD:FG

APPROVED NOV 8, 1939

Ernest B. Mann

ATTORNEY GENERAL OF TEXAS

